

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

TERI LEIGH (SHUMAKE) SMITH

PLAINTIFF

v.

CIVIL ACTION NO. 2:11CV087-M-A

**WELLS FARGO HOME MORTGAGE
AND RICHARD LEE SMITH**

DEFENDANT

REPORT AND RECOMMENDATIONS

On January 23, 2012, Magistrate Judge S. Allan Alexander entered an Order (Docket # 22) requiring plaintiff to show cause why this case should not be dismissed for failure to comply with the Federal Rules of Civil Procedure by filing her Initial Disclosures. Additionally, plaintiff's counsel was ordered to show cause why he has not paid the \$250.00 levied against him for failure to appear at the Case Management Conference. Time for response has passed and neither plaintiff nor his counsel has responded to the court's Order. In accordance with the court's January 23, 2012 Order, the undersigned recommends that plaintiff's claims be dismissed with prejudice, the case closed and removed from the court's docket, and it is further recommended that a copy of the pertinent Orders concerning plaintiff's counsel's failure to comply with court Orders be forwarded to the Complaints Committee of the Mississippi Bar.

The parties are referred to 28 U.S.C. § 636(b)(1)(B) and FED. R. CIV. P. 72(b) for the appropriate procedure in the event any party desires to file objections to these findings and recommendations. Objections are required to be in writing and must be filed within fourteen (14) days of this date and "a party's failure to file written objections to the proposed findings, conclusions and recommendation in a magistrate judge's report and recommendation within (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from

attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court” *Douglass v. United States Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996)(en banc) (citations omitted).

Respectfully submitted, this the 13th day of February, 2012.

/s/ S. Allan Alexander
UNITED STATES MAGISTRATE JUDGE